

UNITED STATES PATENT AND TRADEMARK OFFICE

MAILED

MAY 26 2005

U.S. PATENT AND TRADEMARK OFFICE  
BOARD OF PATENT APPEALS  
AND INTERFERENCES

BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

Ex parte WILLIAM P. STEARNS and NOZAR HASSANZADEH

Application No. 09/678,318

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was electronically received at the Board of Patent Appeals and Interferences (hereinafter the "Board") on March 16, 2005. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the examiner. The matters requiring attention prior to docketing are identified below:

On April 5, 2002, appellants filed an Appeal Brief. A review of the file reveals that the Appeal Brief does not contain a complete copy of claim 28.

In addition, on July 29, 2004, the Board mailed a Remand to the Examiner. The examiner responded to the Board's Remand in a Supplemental Examiner's Answer mailed on August 20, 2004. However, a review of the Supplemental Examiner's Answer reveals that there is no evidence that an appeals conference was

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conducted by the examiner. According to the Manual of Patent Examining Procedure (MPEP) § 1208 (8th ed., Rev. 2, May 2004):

On the examiner's answer, below the primary examiner's signature, the word "Conferees:" should be included, followed by the typed or printed names of the other two appeal conference participants. These two appeal conference participants must place their initials next to their name. This will make the record clear that an appeal conference has been held.

Accordingly, it is

ORDERED that the application is returned to the examiner to:

- (1) notify appellants' to submit a complete copy of the Appendix to the Brief filed on April 5, 2002, or for the examiner to submit a copy of claim 28 on appeal;
- (2) to take corrective action regarding the appeals conference; and
- (3) for such further action as may be appropriate.

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By: 

KIMBERLY JORDAN  
Program and Resource Administrator  
(571) 272-9797

cc: Texas Instruments Inc.  
P.O. Box 655474, M/S 3999  
Dallas, TX 75265

KJ/clm/lc